

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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3	MALIBU MEDIA, LLC,)	Docket No. 18 C 6447
4)	
5	Plaintiff/)	Chicago, Illinois
6	Counterdefendant,)	February 21, 2020
7)	9:07 a.m.
8	v.)	
9)	
10	WILLIAM MULLINS,)	
11)	
12)	
13	Defendant/)	
14	Counterplaintiff.)	

TRANSCRIPT OF PROCEEDINGS - Status
BEFORE THE HONORABLE THOMAS M. DURKIN

APPEARANCES:

15	For Malibu Media:	MR. JOEL A. BERNIER (via telephone)
16		Boroja Bernier & Associates PLLC
17		49139 Schoenherr Road
18		Shelby Township, MI 48315
19		MS. MARY K. SCHULZ (via telephone)
20		Media Litigation Firm PC
21		1144 E. State Street, Suite A260
22		Geneva, IL 60134
23	For William Mullins:	MS. SUSAN MALTER
24		Susan Malter Law
25		203 Brampton Lane
		Lake Forest, IL 60045
		MR. J. CURTIS EDMONDSON (via telephone)
		Law Offices of J. Curtis Edmondson PLLC
		2660 SE 39th Loop, Suite D
		Hillsboro, OR 97123
	Court Reporter:	LAURA R. RENKE, CSR, RDR, CRR
		Official Court Reporter
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1 (In open court.)

2 THE CLERK: 18 C 6447, Malibu Media v. Doe.

3 And I need to get some parties on the line.

4 (Clerk places telephone call.)

5 THE CLERK: Good morning, everyone. This is
6 18 C 6447, Malibu Media v. Doe.

7 THE COURT: All right. Good morning. Let's have
8 everyone identify themselves for the record, starting first
9 with the people on the phone, plaintiff's counsel first.

10 MS. SCHULZ: Mary Schulz on behalf of Malibu Media.

11 MR. EDMONDSON: Good morning, your Honor. Curt
12 Edmondson on behalf of the defendant.

13 THE COURT: Anyone else on the phone?

14 MR. MOTZ: This is Paul Motz, your Honor. I'm on for
15 another case, Hakim.

16 THE COURT: Well, you don't want to be on this case.

17 All right. And in court.

18 MS. MALTER: Susan Malter for counterplaintiff or
19 defendant, William Mullins.

20 THE COURT: All right. Is there alternative counsel
21 to Ms. Schulz for -- on for Malibu Media?

22 MR. BERNIER: This is attorney Joel Bernier appearing
23 for Malibu Media.

24 THE COURT: You're going to have to start over again
25 and speak more clearly.

1 MR. BERNIER: Sorry. This is attorney Joel Bernier
2 appearing on behalf of Malibu Media, plaintiff in this matter.

3 THE COURT: All right.

4 MR. BERNIER: Good morning, your Honor.

5 THE COURT: Good morning.

6 All right. We have on then two lawyers for
7 Mr. Mullins and Ms. Schulz and new counsel for Malibu Media,
8 correct?

9 MR. BERNIER: That is correct, Judge.

10 THE COURT: Okay. And have you filed your appearance
11 on behalf of Malibu Media, sir?

12 MR. BERNIER: Yes, your Honor.

13 THE COURT: All right. There's a pending motion by
14 Ms. Schulz to withdraw. Any objection to that by defendants?

15 MS. MALTER: No.

16 MR. EDMONDSON: No, your Honor.

17 THE COURT: All right.

18 MR. EDMONDSON: Curt Edmondson, for the record.

19 THE COURT: Okay. The motion by Mary Schulz to
20 withdraw as counsel for Malibu Media is granted.

21 Ms. Schulz, cooperate with your new counsel -- with
22 the new counsel for Malibu Media and make sure you provide them
23 with any files that are necessary to allow them to continue to
24 handle the case.

25 MS. SCHULZ: Yes, sir.

1 THE COURT: All right. Thank you.

2 And you can drop off the call if you'd like. So ...

3 MS. SCHULZ: Thank you.

4 THE COURT: All right. Okay. Have you spoken --

5 (Ms. Schulz exits the telephone call.)

6 THE COURT: On behalf of the defendants, have you
7 spoken to new counsel for Malibu Media about the status of this
8 case?

9 MR. EDMONDSON: Your Honor, Curt Edmondson for the
10 defendant.

11 I placed a call to new counsel, and I never got a call
12 back. So the short answer is I've reached out, but I haven't
13 gotten a response.

14 THE COURT: All right. Well, you need --

15 MR. BERNIER: That is correct.

16 THE COURT: -- to talk.

17 Go ahead.

18 MR. BERNIER: That is correct, Judge. I did receive
19 Mr. Edmondson's message. It was later two evenings ago. I was
20 out in court all day yesterday. I just haven't had the chance
21 to contact him back, and I do apologize for that.

22 THE COURT: All right. Make it a priority. This case
23 has been around a while. You're coming in. I don't know if
24 you're coming in on all these Malibu Media cases, of which
25 there's hundreds.

1 But this case is a little different than many of the
2 others. Defendant has been identified. Defendant has
3 representation. Defendant's filed a counterclaim. There's
4 been an attempt to dismiss the -- the underlying case.

5 And right now, there is a reply due by Malibu Media to
6 the motion to dismiss. Is that correct?

7 MR. BERNIER: That is correct, Judge.

8 THE COURT: All right. That has been delayed because
9 Ms. Schulz hadn't filed a response yet. And then there was
10 a -- the change of counsel has delayed that.

11 How much time do you want to file your reply?

12 MR. BERNIER: Your Honor, I would ask for about two
13 weeks.

14 THE COURT: That's fine. 14 days. We'll give you a
15 date.

16 THE CLERK: That's March 6th.

17 THE COURT: All right. March 6th.

18 I'll have everybody come back in later March to
19 hopefully give you a ruling on that and see where this case is
20 going from there.

21 I do strongly encourage counsel for Malibu Media to --
22 new counsel for Malibu Media to talk to counsel for
23 Mr. Mullins. There's a lot of history to this case and a lot
24 of information that was due by Malibu Media to be provided to
25 Mr. Mullins which was not.

1 And I don't know what the problem is. I didn't get
2 into the attorney-client relationship. But there is
3 information that I ordered turned over that wasn't. And so you
4 need to talk to defense counsel -- on behalf of Malibu Media --
5 and your client. There's very simple information that I
6 ordered to be turned over to deal with the good-faith nature of
7 how this lawsuit was initiated.

8 So I'll give you a date possibly the third week of
9 March.

10 THE CLERK: How is March 20th for everybody?

11 MS. MALTER: Good.

12 MR. EDMONDSON: That's good.

13 THE COURT: All right. Counsel for Malibu Media?

14 MR. BERNIER: That -- that's good for me. Thank you,
15 your Honor.

16 THE COURT: Okay. All right.

17 March 20th. I'll have the reply in by then, and we'll
18 see where the case stands. Any effort you can make to settle
19 this case in the meantime I strongly encourage. Otherwise,
20 it's going to get more contentious than it already is.

21 See you all on March 20th.

22 MR. EDMONDSON: Oh. Your Honor --

23 THE COURT: Anything else we -- anything else we need
24 to discuss today?

25 MS. MALTER: Yes, your Honor.

1 MR. EDMONDSON: Yes, your Honor. Curt Edmondson for
2 the defendant.

3 Since our opposition was filed, the decision came down
4 in the Western District of Washington that kind of touches on
5 all these issues before the Court.

6 If you'd like -- well, may I file a supplemental
7 pleading to give notice of this decision?

8 THE COURT: How long do you need to file it?

9 MR. EDMONDSON: It'll take less than one week, your
10 Honor.

11 THE COURT: All right. I'll give you a week to file
12 it, and then we'll extend the reply date by a week.

13 So one week for them to file, Sandy, is?

14 THE CLERK: That's the 28th.

15 THE COURT: All right. February 28th.

16 And then we'll give Malibu Media an extra week to file
17 their reply.

18 THE CLERK: 13th.

19 THE COURT: So March 13th. We'll keep the March 20th
20 date.

21 Anything else we ought to talk about?

22 MS. MALTER: Yes.

23 THE COURT: Go ahead.

24 MS. MALTER: Your Honor, well, we would have liked to
25 ask a discovery sanction to be entered today because the

1 Court's ordered three times for Malibu Media to turn that over.
2 Is that something you want to wait until this new counsel also
3 has an opportunity to reply to?

4 THE COURT: Yeah. I thought I made clear that there's
5 been orders disregarded. Malibu Media is at risk. They have
6 new counsel. They ought to have an opportunity to talk to you
7 and then talk to their client about trying to find a way to
8 avoid what is going to be a pretty ugly result if there
9 continues to be disregard of my orders.

10 MS. MALTER: Okay. So I should save all of my ugly
11 requests and demands for a future time.

12 THE COURT: Save them for an offline conversation with
13 Malibu Media's counsel.

14 MS. MALTER: Okay.

15 THE COURT: New counsel. And then if there's nothing
16 that results from that, we'll deal with it on March 20th --
17 March 20th, correct.

18 MS. MALTER: Okay.

19 THE COURT: All right. Anything else from the folks
20 on the phone?

21 (No response.)

22 THE COURT: Okay. Anything else --

23 MR. BERNIER: Nothing from --

24 THE COURT: -- Ms. Malter?

25 MR. BERNIER: -- the plaintiff.

1 MS. MALTER: Thank you.

2 MR. EDMONDSON: Good. Nothing, your Honor. Thank
3 you.

4 THE COURT: All right. Thank you all.

5 MS. MALTER: Thank you.

6 THE COURT: Okay.

7 MR. BERNIER: Have a good day, everyone.

8 (Concluded at 9:16 a.m.)

9 C E R T I F I C A T E

10 I certify that the foregoing is a correct transcript of the
11 record of proceedings in the above-entitled matter.

12

13 /s/ LAURA R. RENKE
14 LAURA R. RENKE, CSR, RDR, CRR
Official Court Reporter

March 2, 2020

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